IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

2004 JAN -9 AM 11: 20

CLERK ... DISTRICT ...

Anthony DeLisle, Sr. **3513 Belmar Drive** **Des Moines, IA 50317,** **Plaintiffs,**	**Civil No. 4-03-CV-10690**
Vs.	
Roberta Myers/Myers Properties **6554 Center Street** **Des Moines, IA 50312**	**MOTION TO DISMISS**

COMES NOW Defendant, appearing pro se, and moves the Court for an order dismissing the Petition for Appeal for failure to state a claim upon which relief may be granted and in support thereof states:

1. The Court lacks jurisdiction of the subject matter of the action as it relates wholly to real estate in Iowa and the parties are both Iowa residents.
2. The Court lacks jurisdiction of the subject matter of the action as the amount in question is under $75,000.
3. The Court lacks jurisdiction of the subject matter as Plaintiff did not file a complaint with the Civil Rights Commission.
4. The Court lacks jurisdiction of the subject matter as no evidence of any violation of civil rights exists.
5. The Court lacks jurisdiction as no federal contract was breached, the rental deposit was paid to Myers Properties by the Plaintiff, federal housing was not a party.
6. The action is frivolous and lacks merit.
7. Judgment was rendered in Polk County Small Claims Court awarding Plaintiff $225 plus costs. (SC 376266).
8. Defendant has paid the judgment plus court costs to the Clerk of Court of Polk County.

Pleading # 9

WHEREFORE, Defendant requests that the Court enter an order dismissing the petition for lack of jurisdiction and lack of any legal interest by the Plaintiff.

Roberta Myers, Defendant
6554 Center Street
Des Moines, IA 50312

VERIFICATION

STATE OF IOWA } SS:
COUNTY OF POLK }

I, Roberta Myers, being first duly sworn on oath, do hereby depose and state that I am the Defendant in the above-entitled action; I prepared the foregoing Motion, and that the statements contained herein are true and correct to the best of my belief.

Defendant

Subscribed and sworn to before me this 6th day of January 2004.

Notary Public, In and for the State of Iowa

CYNTHIA MCCALL
Notarial Seal - Iowa
Commission # 196028
My Commission Expires 4/26/04